



## COUNCIL MINUTES

May 18, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 18, 2009 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Pastor Gregory Dansby, Holy Temple Church of God in Christ.

Pledge of Allegiance was led by Cooper Tingey of Scout Troop No. 351.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

### 1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the consent agenda items be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes of the January 15, April 20, May 4, and May 7, 2009 Council meetings.

3. Conduct a public hearing and take action on the proposed annual assessments for the Mesa Town Center Improvement District No. 228.

3a. Public hearing on the proposed annual assessments for the Mesa Town Center Improvement District No. 228 **(District 4)**

Mayor Smith announced that this was the time and place for a public hearing regarding the proposed assessments for the Mesa Town Center Improvement District No. 228.

John Morehouse, a property owner in the Town Center area, stated the opinion that the assessments are excessive.

Jon Richards, a Town Center property owner, expressed opposition to the increased assessment because of current economic conditions and declining property values.

Councilmember Somers suggested that a representative of the Downtown Mesa Association address the issue. He noted that the City has significantly reduced its budget as a result of the current economy, and he questioned the reasons for the increased assessment at this time.

Tom Verploegen, President of the Downtown Mesa Association (DMA), stated that the current assessment, adjusted for inflation, is the same as it was 24 years ago. He advised that in 2008, the Council approved a three-year plan to increase the assessment by three percent per year, and this would be the second year for the increased assessment. Mr. Verploegen said that utilities and many of the services provided by the DMA have increased by an amount greater than three percent.

In response to a question from Councilmember Somers, Mr. Verploegen said that the DMA is providing more services than were offered 24 years ago. He noted that their rent increased by five percent this year, but he was unable to identify a specific service or event that would be eliminated if the additional three percent was not assessed.

Responding to a question from Councilmember Kavanaugh, City Attorney Debbie Spinner advised that State Statutes require that each property be assessed each year. She said that although the Council action in 2008 established a plan to increase the assessment by three percent, the Council must act each year to implement that assessment.

Mr. Verploegen responded to a question from Mayor Smith by advising that the total amount collected from property owners has been virtually the same since 1986. He noted that the assessment was increased by ten percent in 1999 and, as recommended by the Board, the Council approved a three percent increase for three years beginning in 2008.

Discussion ensued relative to the fact that the City is required to provide the County Assessor with the assessment information in June; that the economy was fairly stable in 2008 when the assessment was approved; and that the City has experienced service reductions and budget cuts as a result of declining revenues.

Councilmember Somers said that although he was a supporter of economic development, he questioned if this was the proper time to increase the assessment. He suggested that consideration of this agenda item be continued until the next Council meeting and that staff provide additional information at a Study Session prior to that meeting.

There being no additional citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

3b. Take action on the following resolution:

Approving the proposed annual assessments for the Mesa Town Center Improvement District No. 228. The proposed annual assessments include a three percent rate increase that was approved by Council on March 3, 2008. **(District 4)**

It was moved by Councilmember Somers, seconded by Councilmember Higgins, that item 3b be continued for two weeks.

City Manager Christopher Brady expressed concern that staff might not be able to provide timely information to the County Assessor, and he suggested that the item be considered by the Council later in the meeting in order to provide staff an opportunity to research the impact of a continuation to the June 1<sup>st</sup> Council meeting.

Ms. Spinner advised that staff would attempt to determine when the assessment information must be provided to the County Assessor and make that information available to the Council prior to the end of this meeting.

Mayor Smith noted that with the concurrence of the Council, Councilmember Somers' motion would be held in abeyance until agenda item 3b is addressed later in the meeting.

(The minutes of the discussion regarding item 3b continues on page 14 of this document.)

4. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

4a. Public Hearing on Minor General Plan Amendment

**GPMInor09-01** Text Amendment to the Mesa 2025 General Plan. Minor General Plan Amendment to amend Section 2.3.2 changing the definition for the Mixed Use/Employment Land Use Category and amend Section 14.2.1 changing the definition of Major General Plan Amendment. **(Citywide)**

Mayor Smith announced that this was the time and place for a public hearing regarding a text amendment to the Mesa 2025 General Plan, Minor General Plan Amendment to amend Section 2.3.2 changing the definition for the Mixed Use/Employment Land Use Category and amend Section 14.2.1 changing the definition of Major General Plan Amendment.

There being no citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

- 4b. Take action on the following resolution:

**GPM**09-01 Text Amendment to the Mesa 2025 General Plan. Minor General Plan Amendment to amend Section 2.3.2 changing the definition for the Mixed Use/Employment Land Use Category and amend Section 14.2.1 changing the definition of Major General Plan Amendment – Resolution No. 9492. **(Citywide)**

P&Z Recommendation: Adoption. (Vote: 6-0).

It was moved by Vice Mayor Jones, seconded by Councilmember Richins, that Resolution No. 9492 be adopted.

Carried unanimously.

5. Take action on the following liquor license applications:

- \*5a Fat Willy's Family Sports Grill

New Restaurant License for Fat Willy's Family Sports Grill, 1762 S. Greenfield Road, Fat Willy's Greenfield LLC – Applicant, Christopher Robert Gelenites – Agent. The previous Restaurant License held at this location by Bennett Hospitality LLC., issued July 17<sup>th</sup>, 2008 will revert back to the State. **(District 6)**

6. Take action on the following contracts:

- \*6a. Purchase of two (2) replacement Heavy-Duty Chassis Vehicles with Roll-Off Container System for the Solid Waste Management Department.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Vanguard Trucks, at \$389,802.02, including applicable sales tax **(Citywide)**.

- \*6b. Purchase of a Portable Digital Imaging System for the Mesa Police Department's Bomb Team (Fully Funded UASI Federal Homeland Security Grant Program) **(Sole Source)**.

The Business Services Department recommends awarding the contract to the sole source bidder, Logos Imaging LLC, at \$27,053.56, including applicable use tax **(Citywide)**.

- \*6c. Purchase of replacement Digital Microwave Tower Equipment for the Communications Department. (Law Enforcement Construction Bond Funded)

The Business Services Department recommends authorizing purchase from the Western States Contracting Alliance (WSCA) contract with Harris Stratex Networks, Inc. at \$36,339.07, including applicable use tax **(Citywide)**.

- \*6d. Purchase of a replacement Inductively Coupled Plasma-Optical Emission Spectrometer for Water Resources, Compliance Laboratory.

The Business Services Department recommends awarding the contract to the lowest, responsible and responsive bidder, PerkinElmer Health Sciences Inc., at \$77,678.62, including applicable use tax **(Citywide)**.

- \*6e. Term contract for Slurry Seal Sand for the Transportation Department, Field Operations (Transportation Sales Tax Funded).

The Procurement Services Department recommends awarding contracts to the lowest responsive, responsible bidders, Mesa Materials at \$433,018.48 (primary) and Vulcan Materials Co. at \$22,843.18 (secondary) for a total of \$455,861.66 annually, including applicable sales tax, based on estimated requirements **(Citywide)**.

- \*6f. Term contract for replacement fitness equipment and supplies for the Parks, Recreation and Commercial Facilities Department's Red Mountain Multigenerational Center and various other City Departments as needed.

The Business Services Department recommends awarding contracts to the lowest, responsive and responsible bidders as follows: Gym Source California LTD dba Gym Source at \$113,505.00 annually and Tempe Fitness 4 Home Superstore dba Commercial Fitness at \$16,215.00 annually, for a total annual award of \$129,720.00, including applicable sales tax **(Citywide)**.

- \*6g. Purchase of one (1) Class 8 Conventional Tractor (Semi-Cab & Chassis) for the Mesa Fire Department (Fully Funded Federal Homeland Security Program, 2008 Urban Area Security Initiative Grant).

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, McCandless of Arizona, at \$111,991.49, including applicable sales tax **(Citywide)**.

- \*6h. Gas System and Water Line Replacement in the area bounded by University Drive to the north; Main Street to the south; Extension Road to the west; and Date Street and Country Club Drive to the east.

City of Mesa Project No. 01-456-002 will replace water lines and gas lines including valves and fire hydrants. Approximately 5,200 linear feet of new 12-inch ductile iron pipe (DIP) and 13,400 linear feet of 8-inch DIP will replace existing lines. The new water lines will provide reliable water service and sufficient fire flow to our customers. All existing water meters will be replaced with automated meter reading (AMR) compatible water meters, and all existing water service lines and fire hydrants will be replaced. Approximately 16,500 linear feet of 2-inch polyethylene (PE) gas line will replace existing lines. The new gas lines will provide safe and reliable gas service to our customers. All existing gas meters will be replaced with AMR compatible gas meters. Many of the existing gas meter set assemblies will be relocated to new locations to meet current code requirements, and all existing gas service lines will be replaced.

Recommend award to the low bidder, Summit Builders Construction Company, in the amount of \$2,418,010.11 plus an additional \$241,801.00 (10% allowance for change orders) for a total award of \$2,659,811.11. \$1,430,000.00 of this project may be funded with a low interest loan (approximately 2%) from the American Recovery and

Reinvestment Act of 2009 (ARRA) through Water Infrastructure Finance Authority of Arizona (WIFA). The remainder of this project may be funded from the Adopted FY 08/09 and 09/10 Water Bond Capital program and Gas Bond Capital program (**District 4**).

- \*6i. Access Manholes for 42-inch PCCP Water Mains and Tee Connection.

Council awarded the contract for City of Mesa Project No. 05-055-001 on July 8, 2008. During construction, several unknown conditions were discovered when the 108-inch water line was excavated which resulted in the need for additional work. There were no alternatives to completing this work on the water line. Staff directed the contractor to proceed with the work in order to maintain the reliability of the water distribution system and to open a major street intersection to traffic. The original contract amount was \$578,000.00, plus \$57,800.00 for change orders. With the change order allowance, the total contract amount was \$635,800.00. The final cost of construction including the cost to cover unforeseen conditions is \$696,228.67.

Recommended that Council increase the contract amount by \$60,428.67, for a total contract amount of \$698,228.67. Funding for this work will come from the approved FY 08/09 Water Bond Capital Bond program (**Council Districts 1 and 5**).

- \*6j. ADA Improvements at Dobson Library, 2425 S. Dobson Road.

City of Mesa Project No. 06-036-001 will consist of upgrading the existing library to comply with the requirements of Americans with Disabilities Act (ADA). The work will include modifying restrooms, the break room, entrances and other miscellaneous items in accordance with these standards.

Recommend award to the low bidder, Renovation Solutions Group Inc., in the amount of \$63,031.47 plus an additional \$6,303.15 (10% allowance for change orders) for a total award of \$69,334.62. Funding is from existing bond proceeds in the Library Bond Program (**Council District 3**).

- \*6k. Additional Chiller for the District Cooling Plant, 1 East Main Street.

City of Mesa Project No. 06-051-001 will install a new 950 ton variable frequency drive chiller, cooling tower, pumps and all other mechanical and electrical work associated with the installation of the new equipment in the programmed expansion space. Other work included that will facilitate the installation of a fifth chiller at a future when addition capacity may be required.

Recommend award to the low bidder, Premier Mechanical Corporation, in the amount of \$979,814.00 plus an additional \$97,981.40 (10% allowance for change orders) for a total award of \$1,077,795.40. Funding is available in the adopted FY 08/09 District Cooling Capital Project (**District 4**).

- \*6l. Northwest Water Reclamation Plant Miscellaneous Rehabilitation Improvements.

City of Mesa Project No. 07-010-001 will repair deterioration of below grade concrete structures, influent bar screen equipment, and metal gates guides to extend their useful

life, reduce maintenance and operation of the facilities and reduce the risk of system failure.

Recommend award of the construction phase service contract to Garney Construction, with a Guaranteed Maximum Price (GMP) of \$1,513,142.00 plus an additional \$151,314.20 (10% allowance for change orders) for a total award of \$1,664,456.20. Funding is available in the Preliminary 09/10 Wastewater Capital Bond Program **(District 1)**.

- \*6m. Centennial Hall Flooring Improvements, 201 North Center Street.

City of Mesa Project No. 08-907-001 will refinish the existing concrete floor and repair the existing recessed electrical and data boxes.

Recommend award to the low bidder, Woodruff Construction, in the amount of \$92,030.00 plus an additional \$9,203.00 (10% allowance for change orders) for a total award of \$101,233.00. Funding is available from the approved FY 08/09 Parks, Recreation and Commercial Facilities Department **(District No. 4)**.

7. Take action on the following resolutions:

- \*7a. Granting a Public Utility Easement on City-owned Property in the 4500 block of East Mallory Street, Falcon Field Airport – Resolution No. 9491.

This easement is necessary to provide public utility facilities to Falcon Pacific Aviation Hangars project. **(District 5)**

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- \*8a. **Z09-04** 1017 South 88<sup>th</sup> Street. Located north of Southern Avenue and west of Ellsworth Road. (1.11± ac) District 6. Rezone from Maricopa County RU-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property – Ordinance No. 4923. **(District 6)**

PHO Recommendation: Approval with Conditions.

- \*8b. **Z09-05** 7938 East 2<sup>nd</sup> Avenue. Located east of Sossaman Road and south of Main Street. (0.21± ac) District 6. Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property – Ordinance No.4924. **(District 6)**

PHO Recommendation: Approval with Conditions.



- \*8c. **Z09-06** 39 North 98<sup>th</sup> Street. Located south of Brown Road and west of Crismon Road. (1.07± ac) District 5. Rezone from Maricopa County RU-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property – Ordinance No. 4925. **(District 5)**

PHO Recommendation: Approval with Conditions.

\*9. Take action on the following subdivision plat:

- \*9a. “Tuscany Villas at Painted Mountain Amended” – **(District 5)** – 6202 East McKellips Road (north side) located north and east of McKellips Road and Recker Road. 80 R1-6 PAD DMP Townhome lots (6.77 ac.) Partnership Holdings, LLC, owner; Harold N. Epperson, Palatine Engineering Consultants, Engineer.

10. Take action on the following recommendations from METRO for the extension of high capacity transit in the City of Mesa.

Transportation Director Dan Cleavenger introduced Mark Sorenson, Corridor Planning Manager for METRO, who was present to report on the Central Mesa Corridor Study

Mr. Sorenson addressed the Council and displayed a PowerPoint presentation (a copy is available for review in the City Clerk’s Office) to provide information on the outreach presentations and community feedback. He reported that although there has been substantial community support for extending the light rail to Gilbert Road, the Regional Transportation Plan only includes an extension to Mesa Drive. Mr. Sorenson noted that Gilbert Road offers a better opportunity for the construction of a larger Park and Ride lot. He cited lessons learned during the construction of the first twenty miles, which include minimizing property acquisitions, coordinating utilities early in the process, mitigating construction impacts and working closely with adjacent property owners.

Mr. Sorenson said that the light rail would extend along Main Street from the Sycamore Station to Country Club Drive. He reported that three alternatives were considered for the line between Country Club and Mesa Drives: 1.) First Avenue to the north, 2.) Main Street in the center, and 3.) First Street to the south. He said that all proposed routes would converge at Hibbert Street and extend to Mesa Drive along Main Street.

Mr. Sorenson advised that the recommendation of METRO is that the light rail be extended on the Main Street alignment through downtown Mesa (item 10a) and that light rail be extended further along Main Street to Gilbert Road (item 10b).

Mayor Smith declared a potential conflict of interest with regard to item 10b and said he would refrain from discussion/ consideration of that agenda item. He announced that several citizens have requested the opportunity to address the Council regarding agenda item 10.

Steven Anderson referred to an article in the Arizona Republic that stated that the Main Street alignment would radically alter the character and appearance of downtown Mesa. He expressed the opinion that the vision of the Downtown Mesa Association is not compatible with light rail transit on Main Street and that a First Avenue alignment would be preferable.



Steve Allen opposed the Main Street alignment for light rail, and he expressed a preference for a modified First Street alignment. He suggested that the end of the line would be west of Pioneer Park and Main, continuing up to First Street, which would serve the Library, the Marriott Hotel and the Convention Center.

Albert Bettilton expressed support for additional bus service as a better alternative to light rail transit.

Terri McCook, owner of the Fiber Factory in downtown Mesa, expressed opposition to the light rail. She said that during the public meetings, she heard many negative comments regarding the light rail system, and she expressed concern that the City was spending funds during a time of budget cuts.

Richard Tracy said that although he supported the extension of light rail, he was in favor of an alternate route. He suggested that the light rail serve the area that includes Fiesta Mall, the hospital and Mesa Community College.

Debbie Berge, representing several property owners in downtown Mesa, spoke in opposition to the Main Street alignment. She stated that the downtown businesses may not survive the construction phase. She noted that many of the events that have recently evolved in the downtown area could not continue if light rail was constructed on Main Street.

John Morehouse spoke in opposition to light rail construction on Main Street, which would result in businesses closing, and he suggested that the Council consider an alternate route.

Jon Richards, a property owner and business owner on Main Street, said that although he supports the extension of light rail along Main Street, he believed that citizens attending the public meetings did not have their concerns addressed by METRO and City staff members. He suggested that a single rail system be implemented in downtown Mesa. He also inquired if plans were in place to provide assistance to businesses during the construction phase.

Joeta Brozosky, owner of Joeta's Leather on Main Street west of Country Club, said that downtown Mesa is now beginning to experience a resurgence. She requested information on how many businesses closed during the construction of the first twenty mile segment of the light rail system and how many of the businesses returned. She said that her questions were raised during the public meetings, but METRO representatives have not provided the information. She expressed support for the First Street or First Avenue alternatives.

Corrine Brooks, owner of property on Main Street in downtown Mesa, spoke in favor of light rail but in opposition to alignment along Main Street. She said that downtown Mesa has undergone four major reconstruction efforts in the past and it is now beautiful.

Kellie Huntington, owner of Sweet Cakes Café in downtown Mesa, said that the modern profile of light rail transit was not compatible with the historic quality of the downtown area.

Jerry Spellman, representing Unimodal Systems/SkyTran, stated that this system was a preferable alternative to light rail transit.

David Crummey spoke in support of light rail transit and said that the short-term inconvenience of construction would result in long-term benefits.

Mayor Smith advised that the following individuals completed speaker/comment cards in support of item 10, but indicated that they did not wish to address the Council:

Jim Davidson  
Ian Bennett  
Dawn Roberts

In response to a question from Councilmember Higgins, Mr. Sorenson advised that alternative alignments to Main Street between the Sycamore Station and Country Club Drive were eliminated from consideration during the Regional planning process. He noted that two alternatives to Main Street were considered between Country Club and Mesa Drives, First Street and First Avenue, both of which would require four sharp turns. He added that although the tight turns would reduce the need for property acquisition, the turns would also significantly reduce the speed of the light rail system.

Responding to a question from Mayor Smith, Mr. Sorenson stated that widening the turns would require a significant amount of property acquisition that would eliminate several buildings and parking areas.

Mr. Sorenson responded to a series of questions from Councilmember Finter by advising that the additional cost to construct the light rail line north or south of Main Street would be approximately ten to twelve million dollars. He confirmed that the First Street or First Avenue alignments would require a significant amount of property acquisition through the use of eminent domain.

In response to a question from Councilmember Richins, Mr. Sorenson advised that the Dobson Road/Fiesta Mall area is effectively being served by bus connections. He said that an east bound alignment to Gilbert Road would be more difficult from the Fiesta Mall area. Mr. Sorenson explained that light rail and existing railroad tracks are not compatible and light rail would have to be grade separated by being elevated over the train tracks or placed underneath.

Responding to a question from Councilmember Higgins regarding costs, Mr. Sorenson stated that buses have a life expectancy of twelve years compared to thirty years for a light rail car. He added that one bus accommodates 90 passengers driven by one person compared to three light rail cars that accommodate a total of 450 people (150 per car) operated by one driver and one operator. Mr. Sorenson said that during special events, bus service at the Sycamore Station could not handle the passenger demand. He reported that the Sycamore Station is the highest boarding station in the system, which indicates a high demand from East Valley residents.

Councilmember Kavanaugh requested that Mr. Sorenson comment on the lessons learned during the construction of the first twenty mile segment and explain how the construction phase would be planned in order to minimize the impact on retail establishments.

Mr. Sorenson said that the impact on businesses has been a consideration in the planning process. He said that in response to business owner concerns, METRO is planning to concentrate on construction in the downtown area during the summer months and in the area west of Country Club during the winter months. Mr. Sorenson added that a business assistance/coordination program would be available that is similar to the program utilized for the first twenty mile segment.

Discussion ensued relative to the fact that the summer would include the months of May through October and winter would include the months of November through April; and that traffic on Main Street would remain open during summer months except on a few occasions when there would be a closure during evening or weekend hours to allow concrete to dry.

Mayor Smith noted, and Mr. Sorenson confirmed, that the curbs on Main Street would remain undisturbed, except for a few that extend into the street.

Vice Mayor Jones stated that the light rail extension to Mesa Drive is funded by Proposition 400 and Federal dollars and therefore, the project has no impact on the City of Mesa budget. He noted that he originally opposed the Main Street alignment, but he has since changed his mind. Vice Mayor Jones explained that research data from other cities indicates that slowing the speed of the light rail for turns significantly reduces ridership. He added that he prefers to avoid the eminent domain issues that would arise if First Avenue or First Street were selected for the route. Vice Mayor Jones further stated that his support of the Main Street alignment was based on the condition that the streetscape remains untouched, except for a couple of locations. He said that impact of construction activity on businesses in Phoenix would not be comparable to the impact in Mesa because Mesa previously relocated most of the utility lines, which was not the case in Phoenix.

Mr. Sorenson confirmed that \$7 billion in investment is taking place along the twenty-mile segment of the light rail transit system and additional investment is expected.

Vice Mayor Jones stated the opinion that Main Street is the appropriate location for the light rail extension.

In response to a question from Councilmember Higgins, Mr. Sorenson explained that the higher ridership numbers for light rail compared to the bus system indicates that more people are likely to ride the light rail (a one-seat ride) than would take the bus from the East Valley and then transfer to the light rail at the Sycamore Station (a two-seat ride)..

Responding to a question from Councilmember Richins regarding the possibility of delaying the Council decision due to an anticipated delay in Proposition 400 funding, Mr. Sorenson advised that the program is currently six to nine months behind schedule on the 2015 date. He said that in order to activate the preliminary engineering and obtain the proper Federal Transit Administration (FTA) approvals, the schedule is relatively tight. He added that a delay in the decision of more than a week or two would slow the Federal process.

City Manager Christopher Brady responded to a question from Councilmember Richins by advising that maintenance expense would be allocated in the City's operating budget. He stated that the amount is included in the City's long-range forecast.

Vice Mayor Jones said that the concerns expressed by the business owners are not taken lightly, and he reiterated his opinion that the Main Street alignment is the best option for the City.

- 10a. Recommend the approval of the Main Street alignment as the locally preferred alternative through downtown Mesa (**Districts 2, 3 and 4**).

It was moved by Vice Mayor Jones, seconded by Councilmember Kavanaugh, that the Main Street alignment for the light rail extension be approved as the locally preferred alternative through downtown Mesa.

Councilmember Kavanaugh acknowledged the presence of former Vice Mayor Jim Davidson in the audience, and he noted that Mr. Davidson was a leading advocate many years ago for exploring light rail options. He stated that Mr. Davidson's leadership resulted in cost and benefit studies of light rail and the relocation of utilities along Main Street ten to twelve years ago in anticipation of future light rail construction, which also included a wide streetscape to minimize the impact of construction activity on businesses. Councilmember Kavanaugh expressed the opinion that the Main Street alignment is preferable, and he noted that light rail has generated new investment along the first segment. He further stated that property values and business traffic generally increase in areas along light rail, which supports a sustainable community and therefore, he would support the motion.

Councilmember Somers concurred with the comments made by Councilmember Kavanaugh. He expressed the opinion that although downtown Mesa is charming, changes are required in order to be successful. He said that the success of downtown Mesa depends on a combination of elements and a willingness to adapt, and he noted that light rail has proven to be successful in many cities throughout the country. He added that an extension to Gilbert Road may prove best for the future expansion of the system to the Gateway area. Addressing a citizen who spoke in support of additional bus service, Councilman Somers noted that service in East Mesa is improving, particularly from the Superstition Springs Center.

Councilmember Richins said that his vocation is the study of transportation issues, and he noted that Tempe and Phoenix implemented light rail not only as a transportation project, but as a redevelopment project. He cited the issue of eminent domain as a reason for not supporting the alternative routes and therefore, he would support the Main Street alignment. Councilmember Richins said that he patronized many downtown businesses, and he noted that each business is easily accessible from the rear of the building. He said he served on the Community Advisory Board for Line Section 5 that heard complaints from local businesses regarding the construction of light rail, and he was constantly impressed by the proactive manner in which the contractor addressed the problems.

Councilmember Higgins said her primary interest was to achieve the best economic benefit for the City of Mesa from the construction of the light rail system. She stated the opinion that the turns required for either the First Avenue or First Street alignment would negatively impact ridership and therefore, she would support the Main Street alignment.

Councilmember Finter expressed support for the Main Street alignment for three reasons: 1.) Alternative routes would increase the costs by approximately twelve million dollars; 2.) Main Street avoids the necessity to utilize eminent domain; and 3.) Potential problems in relocating utilities on the alternative routes could drastically increase costs.

Mayor Smith advised that he has studied this issue extensively and that when he came into office, he was a proponent for the First Avenue alignment. He said that for the many reasons already expressed by other Councilmembers, he would support the Main Street alignment.

Mayor Smith also stated the opinion that the additional costs for the alternative alignments are substantially underestimated, and he noted that any costs in excess of the budgeted amount would have to be paid by the City of Mesa, which could place the project at risk if the City of Mesa is unable to pay for those costs. He explained that light rail is a Regional transit project rather than a City of Mesa project. Addressing the downtown Mesa business owners, he acknowledged that they have valid concerns, which he has discussed with the staff at METRO. Mayor Smith stated the opinion that the seasonal construction plan would mitigate the negative impacts of the construction, and he expressed confidence in METRO's customer service program. Mayor Smith further stated the opinion that Main Street will change regardless of the light rail alignment. He said that he anticipates that downtown Mesa would become vibrant and energized. Mayor Smith advised that he would support the motion.

Mayor Smith called for the vote.

Carried unanimously.

10b. Recommend extending light rail transit on Main Street from Sycamore to Gilbert Road **(Districts 2, 3 and 4).**

Mayor Smith, having previously declared a potential conflict of interest regarding item 10b, yielded the gavel to Vice Mayor Jones for action on this agenda item.

Councilmember Finter said that although he preferred a hybrid bus rapid transit system, he would support plans for this section of the light rail system.

Councilmember Somers stated that this agenda item would enable a study to determine if an extension to Gilbert Road is a better option than extending the line to Mesa Drive.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the Council recommend extending light rail transit on Main Street from Sycamore to Gilbert Road.

Vice Mayor Jones explained that funding is available to extend light rail to Mesa Drive and that this motion would enable a study of the feasibility of extending the line to Gilbert Road.

Deputy Transportation Director Mike James stated that the item before the Council in 10b is recommending the extension of the full light rail segment on Main Street from the Sycamore Station to Gilbert Road, which is not the locally recommended alternative. He said the locally recommended alternative is to extend the line to the vicinity Mesa Drive.

Mr. Brady explained that approval of this motion would recommend light rail as the preferred mode of transportation from Sycamore to Gilbert Road, which will enable an ongoing study. He said no funding has been identified for this effort.

Vice Mayor Jones stated that Gilbert Road is the logical terminus for the light rail system, and he said that this would enable future study of that issue.

Vice Mayor Jones called for the vote.

Upon tabulation of votes, it showed:

AYES – Finter-Higgins-Jones-Kavanaugh-Richins-Somers  
NAYS – None  
ABSTAIN – Smith

Vice Mayor Jones declared the motion carried unanimously by those voting.

Vice Mayor Jones yielded the gavel back to Mayor Smith.

Mayor Smith announced that the Council would return to agenda item 3b.

3. Conduct a public hearing and take action on the proposed annual assessments for the Mesa Town Center Improvement District No. 228.

(The minutes of the public hearing for this item are listed on page 2 of this document.)

3b. Take action on the following resolution:

Approving the proposed annual assessments for the Mesa Town Center Improvement District No. 228. The proposed annual assessments include a three percent rate increase that was approved by Council on March 3, 2008. **(District 4)**

City Attorney Debbie Spinner reported that the County Assessor requires the assessment information no later than the middle of June. She noted that the State Statutes impose an additional requirement in that the Council is required to take action on the resolution within ten days of the public hearing. Ms. Spinner advised that the Council has two options: 1.) Call a Special Council meeting for May 28<sup>th</sup> to consider the assessment; or 2.) Reopen the public hearing and continue the public hearing and consideration of the resolution to the June 1<sup>st</sup> Council meeting.

It was moved by Councilmember Somers, seconded by Councilmember Higgins, that consideration of item 3b be continued to May 28<sup>th</sup>.

Mr. Brady explained that it would not be necessary to reopen and continue the public hearing if the item is continued to a Special Council meeting on May 28<sup>th</sup>.

In response to a question from Councilmember Higgins, Ms. Spinner advised that continuing the item to June 1<sup>st</sup> would require a motion to reopen and continue the public hearing to that date.

Councilmember Somers stated that the public would have an opportunity to address the Council if item 3b were continued to a Special Council meeting on May 28<sup>th</sup>.

Councilmember Richins stated the opinion that the public hearing should be reopened and that the item should be considered at a Regular Council meeting.

Councilmember Higgins withdrew her second to the motion.

Mayor Smith advised that the motion failed for lack of a second.



It was moved by Councilmember Somers, seconded by Councilmember Higgins, that the public hearing be reopened and continued to the Regular Council meeting on June 1<sup>st</sup>.

With the concurrence of the Council, Ms. Spinner restated the motion as follows:

It was moved by Councilmember Somers, seconded by Councilmember Higgins, that the public hearing be reopened and that both the public hearing (item 3a) and action on the resolution (item 3b) be continued to the Regular Council meeting on June 1, 2009.

Carried unanimously.

\*11. Adopt a Notice of Intention to adjust rates or rate components, fees and/or service charges for irrigation water, natural gas, electric, reclaimed water, wastewater and water and establishing June 22, 2009 as the date for the public hearing. (Citywide)

12. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 8:00 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 18<sup>th</sup> day of May 2009. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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